

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

## TIMOTHY B. WHITMORE.

**Plaintiff,**

V.

PIERCE COUNTY DEPARTMENT OF  
COMMUNITY CORRECTIONS *et al.*,

### Defendants.

Case No. C05-5265RBL

## ORDER ADOPTING REPORT AND RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
  - (2) Defendant Patricia Brixey's motion for summary judgment is **GRANTED**. This defendant is **DISMISSED WITH PREJUDICE**.
  - (3) Defendant Pierce Counties motion for partial summary judgment is **GRANTED**.
  - (4) Plaintiff's cross motion for summary judgment as to liability is **DENIED**.
  - (5) This matter is re-referred to Magistrate Judge J. Kelley Arnold.
  - (6) The Clerk is directed to send copies of this Order to plaintiff, counsel for defendants, and to the Hon. J. Kelley Arnold.

DATED this 19<sup>th</sup> day of July, 2007.

Ronald B. Leighton  
RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE